

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

**JIMICO ENTERPRISES, INC.
and BROWNSON ENTERPRISES, INC.**

VS.

**CASE NUMBER: 1:07-cv-578
(GTS/RFT)**

LEHIGH GAS CORPORATION

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendant's motion for partial summary judgment (Dkt. No. 42) is GRANTED in part and DENIED in part; and

IT IS ORDERED AND ADJUDGED that Plaintiffs' cross-motion for summary judgment (Dkt. No. 44) on liability regarding Defendant's improper notice is GRANTED; and

IT IS ORDERED AND ADJUDGED that Plaintiff Jimico Enterprises, Inc. is awarded \$120,461.38; and

IT IS ORDERED AND ADJUDGED that Plaintiff Brownson Enterprises, Inc. is awarded a total of \$51,431.38 to be offset by the amount awarded to Defendant/Counter-Plaintiff Lehigh as set forth below; and

IT IS ORDERED AND ADJUDGED that Defendant/Counter-Plaintiff Lehigh's motion for summary judgment on its counterclaims is GRANTED in part and DENIED in part in the following respects (1) Lehigh's counterclaim for breach-of-contract against Plaintiff Brownson and Peter Brownson, as the guarantor, is GRANTED and Lehigh is awarded \$84,889.72 to be offset by the amount awarded to Plaintiff Brownson as set forth above in the amount of \$51,431.38. The remaining balance owed by Plaintiff Brownson due to Defendant/Counter-Plaintiff Lehigh is \$33,458.34; (2) Lehigh's counterclaim for unjust enrichment is DENIED; and (3) Lehigh's request for attorney's fees, pursuant to the TFA, is GRANTED; and

IT IS ORDERED AND ADJUDGED that Plaintiffs' motion for attorney's fees, paralegal fees, and expert fees is GRANTED in part and DENIED in part in that Plaintiffs are awarded a total of \$289,320.00 in attorney's fees, \$9,763.84 in paralegal fees, and \$21,622.93 in expert fees; and

IT IS ORDERED AND ADJUDGED that Plaintiffs' motion for costs is GRANTED in part and DENIED in part in that Plaintiffs are awarded a total of \$12,982.63 in costs; and

IT IS ORDERED AND ADJUDGED that Plaintiff Brownson's motion for pre- and post-judgment interest is DENIED; and Plaintiff Jimico's motion for pre-judgment interest is GRANTED in part and DENIED in part in that Plaintiff Jimico is awarded \$153,911.23 in pre-judgment interest; and (3) Plaintiff Jimico's motion for post-judgment interest is GRANTED at the rate of 0.10%, accruing from the date of this Decision and Order.

All of the above pursuant to the memorandum-decision and orders of the Honorable Judge Glenn T. Suddaby dated July 27, 2010 (Dkt. No. 68), October 14, 2010 (Dkt No. 82) and September 30, 2011 (Dkt No. 117).

DATED: September 30, 2011



Clerk of Court

s/_____
L. Welch
Deputy Clerk